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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,480	12/31/2003	Francesco Gardin	163-524	3943
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HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
HAMMOND III, THOMAS M				
ART UNIT		PAPER NUMBER		
3691				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,480

Applicant(s)

GARDIN, FRANCESCO

Examiner

THOMAS M. HAMMOND III

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 07/02/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 12/31/2003.
2. Claims 1-7 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With regard to claim 1, the Applicant recites the limitation, "a permutation procedure of the unique code". There is no antecedent basis for this limitation, rendering the scope of the claim indeterminate. The Applicant further recites the limitation, "when the user decides to make said bet". This limitation, as interpreted, is vague and indefinite, as there is no clear indication as to what this time is. For the purposes of examination, the Examiner will interpret this limitation as the time when a user enters an amount to bet for the lottery game.

6. With regard to claim 2, the Applicant recites the limitation, "said unique code". Despite the recitation of the term "unique code" in claim 1, it is unclear what unique code, "said unique code" of claim 2, is referring to, as there are two such mentions of the term in claim 1, "the unique code" and "a unique code". For the purposes of examination, the Examiner will interpret this limitation as a PIN number.

7. With regard to claim 3, the Applicant recites the limitations, "the codename" and "the bank transaction number". There is no antecedent basis for these limitations, rendering the scope of the claim indeterminate.

8. With regard to claim 4, the Applicant recites the limitation, "the moment in which one decides to make a bet and a code entered if necessary by the user". It is unclear what the scope of this limitation is, as it is not grammatically correct and does not positively set forth the step with the term if necessary. For the purposes of examination, the Examiner will interpret this step as being positively set forth and in its broadest reasonable interpretation.

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9. With regard to claim 7, the Applicant recites the limitation, "method according to the previous claim". It is unclear what previous claim to which this claim is referring to rendering the scope of the claim indeterminate. For the purposes of examination, the Examiner will interpret this claim as depending on claim 6.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by *Small, US Patent No 4,815,741*.

As per claim 1

Small teaches:

- A central processing unit, a plurality of electronic terminals in which a user can carry out a bank transaction connected to said central processing unit through a communication channel (see at least column 2, lines 58-67)
- A betting processing unit connected to such a central processing unit, in which a permutation procedure of the unique code, a randomizing generation procedure and a betting program are memorized which allow a user who has carried out a bank operation in one of said terminals to carry out a monetary bet, through said terminal (see at least column 3, lines 47-67; column 4, lines 1-55)
- The winning of such a bet being determined by the betting program, fed by said randomizing procedure actuated by a unique code which is formed starting from the moment when the user decides to make said bet (see at least column 3, lines 47-67; column 4, lines 1-55)

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As per claims 2-5

Small teaches the system of claim 1, as described above.

Small further teaches:

- Wherein said unique code comprises data relative to the user and data relative to the bank operation (see at least column 3, lines 47-67; column 4, lines 1-55)
- Wherein said data relative to the user comprises the codename of the user and the bank transaction number (see at least column 3, lines 47-67; column 4, lines 1-55)
- Wherein said data relative to the bank operation comprises the time of the bank operation, the date of the bank operation, the type of operation, the time passed from the start or from other steps of the operation, the moment in which one decides to make a bet and a code entered if necessary by the user (see at least column 3, lines 47-67; column 4, lines 1-55)
- Wherein said betting processing unit comprises a memory (51) in which there is a database for memorizing all of the bets made on each terminal (3) of the bank network (see at least column 3, lines 28-35)

ADDITIONAL REJECTIONS

As per claims 6-7

Claims 6-7 encompass substantially the same scope as claims 1-5. Accordingly, claims 6-7 are rejected in substantially the same manner as claims 1-5, as described above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas M. Hammond III

Patent Examiner, Art Unit 3691

United States Patent & Trademark Office

02/01/2008

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691